FILED

JAN 28 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Osvaldo RAMIREZ-Barraza, Defendant.	Mag. Case No. '08 MJ 8079 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about January 27, 2008, within the Southern District of California, defendant Osvaldo RAMIREZ-Barraza, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JANUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Osvaldo RAMIREZ-Barraza

STATEMENT OF FACTS

The complainant states this complaint is based upon the statements of the apprehending Border Patrol Agent, A. Balkas, that the Defendant was found and arrested on January 27, 2008, near Ocotillo, California.

At approximately 12:00 A.M. the El Centro Border Patrol Station's Remote Video Surveillance System (RVSS) Operator observed eight individuals walking in the desert near Highway 98 west of Ocotillo, California. The RVSS Operator notified agents in the area of their location. Agents made contact with the individuals. After identifying themselves as Border Patrol Agents, the agents questioned the individuals, including one individual later identified as Osvaldo RAMIREZ-Barraza. It was determined that RAMIREZ and the other individuals are citizens of countries other than the United States and they are illegally in the United States. RAMIREZ and the others were arrested and transported to the El Centro Station for further processing.

At the station, further record check through the IAFIS/IDENT system revealed that RAMIREZ has an extensive Immigration History and has been previously removed from the United States on May 15th, 2006.

Agent N. Fujiwara witnessed Agent L. Jacinto read RAMIREZ his rights per Miranda. RAMIREZ stated he is a native and citizen of Mexico with no legal documentation to live, work or be in the United States. RAMIREZ stated he has been previously removed from the United States. RAMIREZ stated he did not seek nor apply for permission to re-enter the United States.